

EXHIBIT H

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:

FEDERAL MOGUL GLOBAL INC., et al.,

Debtors.

**CHAPTER 11
Case No. 01-10578 (RTL)
(Jointly Administered)**

VOLUME 2

**WITNESS
Mark Peterson, Ph.D.**

**DATE
May 26, 2005**

**LOCATION:
Washington, DC**

**TAKEN BY:
Weil Gotshal & Manges**

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1 behaviors that I would characterize as claimant
2 side behaviors, that is, advertising by
3 plaintiff law firms for clients; use of the
4 Internet to disseminate information about
5 compensation rights and legal remedies;
6 entrepreneurial activity by the bar, the
7 plaintiffs' bar; decline and reluctance to make
8 claims by the plaintiffs. Are there any
9 behaviors that you've identified that are on the
10 defendant side that in your view affected the
11 increased claim in rates observed?

12 A. Sure. The bankruptcy filings did in
13 2001. And to some degree in 2000. The fact
14 that other people -- that major asbestos
15 defendants were filing for bankruptcy protection
16 increased pressures on other asbestos
17 defendants, like Turner & Newall, both with
18 regard to the values of claims and the number of
19 claims they received. That was a factor.

20 Q. Anything else that you've observed?

21 MR. FINCH: You're talking about the
22 2000-2001 time period?

23 MR. STROCHAK: Primarily, yes.

24 A. Well, it's possible that the
25 settlement practices of defendants may have --

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1 group settlements may have impacted the numbers
2 of claims filed against them, but I mean that
3 could have gone both ways, up or down.

4 Q. And you haven't done any analysis to
5 test the separate impact of group settlements on
6 T&N's increasing claiming rates in 2000-2001?

7 A. You can't do it. We spent a lot of
8 time in my prior deposition talking about
9 attempts to disentangle the effects of
10 simultaneously-occurring events, and there's
11 just no real way to do it. You can't do a
12 quasi-experiment because all of these things are
13 happening at the same time. So I don't think
14 there's a way to do that. You really have to --
15 all of these observations are based upon my
16 knowledge and participation in asbestos
17 litigation, and talking with Turner & Newall's
18 defense lawyers; talking with other defense
19 lawyers; talking with plaintiffs' lawyers, and
20 kind of knowing what was going on generally.

21 So all of those observations are
22 primarily -- they're more qualitative than
23 quantitative. It's the kind of thing you learn
24 in doing Rand research and in doing interviews
25 and case studies. It's that nature. So they

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1 tend not to be quantitative inferences, but
2 they're consistent with the quantitative
3 inferences. And that's what you want to do. If
4 you see numbers that are going up or down, just
5 to look at that without trying to do the
6 qualitative understanding, what's going on, is
7 kind of a -- it's a dangerous proposition. And
8 so you really want and try to understand the
9 phenomenon, not only the numbers, but the
10 underlying phenomenon, and it's the two
11 together.

12 Q. In analyzing what I've kind of
13 characterized as claimant side behavior or
14 plaintiff lawyer side behavior, have you spoken
15 with any particular members of the plaintiffs'
16 bar to get an understanding of their activities?

17 A. About this period of time?

18 Q. In specific, the 2000-2001 period,
19 yes.

20 A. I've talked to plaintiffs' lawyers,
21 not infrequently -- I'm sure that over the
22 course of that period of time I've talked with
23 them some about this stuff.

24 I don't recall any specific
25 conversations.

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1 Q. Okay. And apart from specific
2 conversations, do you recall any specific people
3 that you spoke with about claimant side behavior
4 that may have affected the claiming rates
5 against T&N during 2000-2001?

6 A. I don't remember that. Who I might
7 have. I mean, as I say, I've had a lot of
8 conversations with plaintiffs' lawyers.

9 Q. In general, your conversations, do
10 they include members of the asbestos claimants
11 committee in this case?

12 A. Among others. I actually didn't
13 even know who is on the committee here, so...

14 Q. Name generally the people that you
15 would go to, at least in the first instance, for
16 information about plaintiff lawyer behavior.

17 A. I don't -- I don't do this in a way
18 that I would if I were at Rand, and set up,
19 schedule interviews with people in order to
20 discuss topics. In the course of a year I
21 probably talk with at least 20 plaintiffs --
22 asbestos plaintiffs' lawyers. We talk about
23 lots of stuff. We have a common interest in
24 asbestos litigation. We have a common interest
25 in what's going on. So who I might have talked

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1 to about this, I don't know. There's no -- I
2 wouldn't set out to say okay, I'm going to talk
3 with Bob Steinberg about what's happening with
4 regard to the claim level. The things that you
5 discuss in the course of meetings and being with
6 people.

7 Q. So is it fair to say that it's more
8 informal rather than systematic; is that
9 correct?

10 A. I think that's fair.

11 Q. Let me ask you about the same
12 behaviors that you called attention to in the
13 pre-bankruptcy period but now focusing on the
14 post-bankruptcy period, you know, from this
15 point in time today, going back to October or so
16 of 2001.

17 Have you observed any changes in
18 plaintiff lawyer advertising in that time
19 period?

20 A. Well, you can't treat it as a
21 homogenous period, because again there was an
22 extremely important event that occurred that
23 created a discontinuity in the claiming
24 behavior, and that's the pendency of the
25 legislation. It has had lots of impacts on

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1 asbestos litigation. Even if the legislation
2 doesn't ever pass, which it may or may not, it's
3 the best thing that defendants and insurance
4 companies have ever come up with, because it
5 just threw a blanket on the asbestos litigation
6 in every respect.

7 So there's a difference between what
8 happened prior to early 2003 and what's happened
9 since. And during the earlier period, yes,
10 there was an increase in the -- as nearly as I
11 can tell -- in the entrepreneurial activity on
12 the part of plaintiff's bar. There was an
13 increase in the number of television spots that
14 I've seen with regard to law firms advertising
15 for primarily mesothelioma, but other claims. I
16 still see those spots, although I think probably
17 not as frequently as I saw them a couple of
18 years ago.

19 If you log on to the Internet and
20 search for mesothelioma, the only thing you find
21 are plaintiffs' lawyers. And that's more than
22 it was in 1990 -- I mean in 2000, 2001, which is
23 more than it was a couple of years before.

24 So yes, the level of advertising is
25 up, but I think it's probably been abated some